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THE ROLE OF INTERNATIONAL OBSERVER MISSIONS IN SOUTH AFRICA

Statement

by

Ms. Angela King, Chief of Mission of the
United Nations Observer Mission in South Africa,
at a Convention in Johannesburg from 11 to 13 August 1993

[Note: The Convention on Election Countdown, organized by the Financial Mail, together with Global Conference, was held at the World Trade Centre in Kempton Park (Johannesburg), from 11 to 13 August 1993.]

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It is a privilege and pleasure for me to address the distinguished members of this Convention on the role of international observer missions in South Africa and their possible role in the forthcoming elections. I would like to thank Mr. Nigel Bruce, Editor of the Financial Mail, and Global Conference, the organizers of this Convention, for giving me this opportunity to share with you the experiences of the United Nations on this subject. The two aspects of the topic on which I have been asked to speak are complementary. The goal of the two roles would be the same, namely, to achieve an environment in South Africa free from violence, coercion, intimidation or fear, thus allowing the overwhelming majority of the population in the country to arrive at a constitutional settlement and thereafter to cast their vote with confidence and enthusiasm, to determine their own destiny, and to unite and dedicate themselves to build a new South Africa. It is with this goal in mind that we should look at the United Nations' current and possible future involvement in South Africa.

With regard to the first aspect of my topic - the role of the United Nations Observer Mission in South Africa (UNOMSA) - it is perhaps important to begin our discussion by placing the current United Nations Observer Mission in its context in terms of how it relates to the other United Nations peace-keeping missions. History has shown that any profound political transformation, such as the eradication of an indefensible policy of apartheid and the installation of a democratic dispensation in South Africa, is bound to provoke resistance and tensions and consequently bring about conflict if not properly managed. It is desirable in such situations to ease tensions and to remove the sources of conflicts before they result in violence and jeopardize the chances of a peaceful and democratic process of transformation. Such an operation is what the Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, has termed preventive diplomacy, which is the first stage of peace-keeping. In his "Agenda for Peace", the Secretary-General states that "preventive diplomacy requires the taking of measures to create confidence and prevent the outbreak of conflict; it needs early warning based on information gathering and informal or formal fact-finding; it may also involve preventive deployment and, in some situations, the creation of demilitarized zones".

The United Nations Observer Mission in South Africa is a unique application of preventive diplomacy. Let me give you a brief background to this Mission. The United Nations has been involved in the question of South Africa for more than four decades, including, in particular, its involvement in the campaign against apartheid and, more recently, its attendance at both sessions of the Convention for a Democratic South Africa (CODESA) in an observer capacity. The current mission, however, represents a move from the position of confronting the system of apartheid to one of offering all the assistance the United

Nations, together with the rest of the international community, could give in helping the transition process to a democratic society. For those knowing that our stand was one of principle embedded in the deep respect and commitment to human rights as elaborated in the Universal Declaration of Human Rights, that change of approach has not presented difficulties. But there are others who still seem confused by our new role. To those we hope with time our operations will make them have confidence in the United Nations' capabilities and integrity and let them see our initiative in its proper perspective.

UNOMSA is the most immediate result of the Security Council's consideration of the situation in South Africa at the request of the Organization of African Unity (OAU) and the subsequent adoption of Security Council resolution 765 (1992) on 16 July 1992. The Secretary-General has undertaken a number of initiatives to assist the parties in South Africa to bring about an effective end to violence and to create conditions for negotiations that will lead to a peaceful transition to a democratic, non-racial, non-sexist and united South Africa. These initiatives included the mission undertaken by Mr. Cyrus Vance, the Secretary-General's Special Envoy, in July 1992, and the despatch of United Nations staff members to observe the week of mass action organized by the African National Congress in August 1992.

The Observer Mission was established under Security Council resolution 772 (1992) of 17 August 1992. That resolution was adopted after the Security Council had considered the report of the Secretary-General, which was prepared on the basis of the findings of the Vance Mission (S/24389 of 7 August 1992). By resolution 772 (1992), the Security Council authorized the Secretary General:

> "to deploy, as a matter of urgency, United Nations Observers in South Africa, in such a manner and in such numbers as he determines necessary to address effectively the areas of concern noted in his report [to the Council], in coordination with the structures set up under the National Peace Accord" (paragraph 4).

As you are aware, the Security Council also invited the OAU, the Commonwealth, and the European Community to deploy their own observers to work in close cooperation with the United Nations.

Under resolution 772 (1992), the United Nations Observer Mission in South Africa is intended to render assistance to the people of South Africa as a whole in their legitimate struggle for a non-racial, non-sexist, democratic society. This assistance is given in two principal ways:

(a) by examining areas of concern such as violence, hostels, dangerous weapons, the role of the security forces and other armed formations, the investigations and prosecution of criminal conduct, mass demonstrations and the conduct of political parties; and reporting thereon to the Secretary-General of the United Nations; and

(b) by helping to strengthen mechanisms set up under the National Peace Accord, so as to enhance their capacity in the building of peace and political tolerance, both in the present and in the future.

The first contingent of United Nations Observers arrived in South Africa in mid-September 1992. The largest groups of observers are deployed in Johannesburg, to cover the Witwatersrand/Vaal region; and in Durban, which covers Natal/KwaZulu. This is because 70 per cent of the violence in the country occurs in these two areas. The 50 observers are in all regions and come from 36 different countries and 42 per cent are women. They have a wide range of disciplines including law, political science, economics, human rights, social development, public information, human resource management, policing, education and administration. UNOMSA observers attend and observe mass actions and other forms of political activity, as well as the work of the South African Defence Forces related to those activities. In the past eleven months, UNOMSA observers have covered upwards of 8,500 events and meetings throughout the country, often in conjunction with other international observer missions from the Organization of African Unity, the Commonwealth and the European Community. Their presence at rallies and demonstrations has been a major factor in reducing the levels of violence and in providing confidence to the population.

Another way in which the rise in violence can be addressed is to ensure that security forces and political organizations alike abide by the respective codes of conduct as outlined in the National Peace Accord, as well as by the guidelines established by the Goldstone Commission on the conduct of marches and political gatherings. These codes are designed to ensure that the security forces and political organizations abide by certain minimum standards in their conduct, thereby reducing violence or the likelihood of violence. Our observers, together with monitors from the peace structures, try to ensure that the codes are observed. In addition to marches and other forms of political activity, our observers visit potential flashpoints of violence and assist in efforts aimed at resolving conflict and bringing peace to troubled areas.

Observers supplement these field observations by establishing and maintaining informal contacts at all levels with formal governmental structures, political parties, community leaders and community organizations, as well as community-based

"alternative structures", such as civic associations, youth, women, traditional leaders, hostel residents and other groups. These contacts themselves underscore the importance of the peace structures and strengthen the notion that all these groups must seek common ground for resolving problems. In those instances where observers notice problems which, unless resolved, might lead to violence, they can and do offer advice on how to avert such situations. Obviously, observing events offers an easier and less problematic role. Intervening and offering advice, either on our own initiative or on request at the scene, can be fraught with difficulties and therefore must be approached with care and only after weighing all the factors involved. It should be done judiciously and in a manner which preserves our impartiality and does not impair our future ability to be of assistance to all parties in the South African political spectrum.

Our role also demands and expects accountability from South Africans. It is for this reason that, while we have offered our critical assessment of any given situation, we have done so mainly to the representatives of the peace structures present at the event. We also communicate our assessment of the conduct of the security forces to the relevant government ministers as well as to heads of the security forces themselves. This mainly behind-the-scenes activity sometimes gives the impression that we are playing a passive role and attracts criticism from the communities in which we operate. We do not play a purely passive role in our work since such a role would definitely not be in line with the letter or spirit of resolution 772 (1992). Moreover, such a role would fail to live up to the expectations of the people of South Africa as reflected in the resolution, which clearly states that the people of South Africa expect the United Nations to assist them in their transition to democracy and the removal of obstacles obstructing that process. The people of South Africa further expect us to do all in our power to encourage the negotiations, so that there can be a speedy realization of the new dispensation.

As I pointed out earlier, the Security Council in resolution 772 (1992) in addition called upon UNOMSA to assist in the strengthening of the peace structures set up under the National Peace Accord, that truly unique experiment, of which we are truly proud to be associated, created by the political parties in South Africa and the Government to resolve disputes peacefully and thereby promote peaceful coexistence among all South Africans. Under the National Peace Accord, structures such as the National Peace Committee, National Peace Secretariat and the Regional and Local Peace Committees, as well as the Goldstone Commission have been established. United Nations Observers evaluate their operations and attend their meetings. Observers maintain constant contact with the participants in the peace structures at all levels, then attend meetings of local and regional peace

committees and join chairpersons and other participants in visiting scenes of actual or potential violence in order to diffuse it. Informal contact among UNOMSA observers, peace structures officials, local community or political leaders as well as the South African Police and South African Defence Force are particularly important in this regard and greatly assist in preventing violence.

Where appropriate, United Nations Observers make suggestions on how best to ensure that the structures function effectively. This includes, on our part, examining the weaknesses of the present structures and pointing out ways and means of improving and strengthening them. A special relationship has developed between the Goldstone Commission and the international observers, including UNOMSA and those from the Economic Community. The Commission's independence and standing are visibly reinforced by the presence of EC police observers in its special investigation unit as well as by the public support its recommendations receive from the international observer missions. UNOMSA has seconded a jurist on a full-time basis to work with the Goldstone Commission and we stand ready to assist the Commission further in its needs if and when requested to do so. Our main regret is the lack of implementation of many of the Commission's recommendations, which we have repeatedly brought to the attention of the Government.

As I also pointed out earlier, one of the mission's strengths is the wide variety of nationalities and professional disciplines represented on our staff. This enables us to share experiences from many different countries with our South African counterparts. Not only is our acknowledged impartiality enhanced by the different perspectives we bring, but we can often present a variety of options for dealing with problems faced by the peace structures.

Under paragraph 6 of resolution 772 (1992), the Secretary-General is required to submit to the Security Council a quarterly report on the situation in South Africa. Thus, in addition to the tasks I have explained above, UNOMSA observers gather impartial factual information for transmission to the Secretary-General in New York to serve as a possible basis for decisions or recommendations by the Secretary-General and the Security Council on the question of South Africa. In this way, both the United Nations and the international community receive up-to-date information on the situation in South Africa. This ensures that their decisions on South Africa are informed and take into account the realities on the ground in South Africa.

The presence of international observers is the expression of the interest shown by the entire international community in the democratization process in South Africa, its subsequent social and economic development and its full partnership within the United Nations system of 184 Member States. As the Secretary-

General said in his report to the Security Council in August 1992 on the role of the international community in South Africa, "This role of the international community and of the United Nations in particular can, at this time, be profound and beneficial. It can facilitate a great and peaceful transition of historic proportions in a part of the world that has suffered too long." That is why the Security Council, in resolution 772 (1992), has committed itself "to remain seized of the matter until a democratic, non-racial and united South Africa is established".

I would like now to move on to the second part of my presentation - the possible role of the United Nations in the forthcoming democratic elections. The adoption on 2 July 1993 by the Multi-Party Negotiation Forum of 27 April 1994 as a date for the first, democratic, non-racial elections in South Africa is viewed by the United Nations as an important step in the process towards the democratization of South Africa. The adoption of the date entails that planning for the elections must commence in earnest by all concerned, including the political parties, Government, the business community and non-governmental organizations. The international community must similarly start to consider what role it will play in the coming elections. This role that the international community will be called upon to play in the South African elections will very much depend on what the South Africans themselves request it to do. I will address this aspect of my topic in three parts. First, I will look at the manner in which the United Nations gets involved in elections, secondly, look at the approaches to the observation of elections that have been used by the United Nations and lastly, look at the lessons South Africa can draw from these experiences.

With regard to the manner of involvement, the United Nations does not get involved in an election unless there has been a specific request from the country involved. It was, therefore, expected that once there has been agreement at the multi-party negotiations about this issue, the South Africans will put a formal request to the United Nations for electoral assistance. The United Nations will consider the request and determine under what conditions it will come to observe the elections.

Timing is of the essence, to enable both national and international bodies to plan adequately. It is estimated, for instance, that the United Nations needs up to six months to plan its operation properly. Requests for assistance are handled at the United Nations Headquarters in the Electoral Assistance Unit, which became operational on 1 April 1992. Since the establishment of the Unit, the United Nations has received 32 requests for electoral assistance. In addition, the United Nations has assisted in the establishment of electoral components of the missions to Angola and Cambodia. In total, since 1 April 1992, the United Nations has provided electoral assistance to 31

Member States - 24 from Africa, two from Asia, one from Eastern Europe, and four from Latin America.

The major focus of United Nations involvement in elections has been to monitor the elections in order to ensure that they are free and fair, that is, that there is free campaigning for all political parties throughout the country and the right of all voters to participate in the election process without hindrance. The holding of free elections injects substance into the principle with regard to elections established by the Universal Declaration of Human Rights. Article 21 of the Universal Declaration states that "everyone has the right to take part in the Government of his country, directly or through freely chosen representatives". It adds that "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures".

In Namibia in 1989, and Angola in 1992, the United Nations developed and applied standards that moved beyond this limited formula to ensure that the elections occurred in a free environment with administratively fair rules. A consensus was developed as to what constitutes free and fair elections. The most important of these standards are (1) free campaigning for all political parties; (2) secrecy of the ballot; (3) reasonable speed in the counting of ballots; (4) accountability and openness of the process to the competing parties; and (5) an accepted Electoral Law. There can be no doubt that the South African elections will need international monitoring for several reasons. This will be the first democratic election ever in which all citizens who qualify to vote will be able to participate. There is an absolute need to ensure that this election is not only free, but is seen to be fair, if it is to be accepted by all factions in the country as well as by the outside world. There are additional factors that make monitoring imperative: there is a historical lack of a democratic culture of political tolerance; unabating violence of an increasingly vicious and callous nature, bias, suspicion and outright hostility to the idea of universal suffrage on the part of some political factions; a new and unfamiliar electoral system; and the likelihood of intimidation. All these are factors which create suspicion and doubt about the integrity of the process. They make it essential that the elections be monitored by the outside community to reduce the probability of any of the losing parties challenging the election results.

Based on the recent United Nations experience, there are two basic approaches to observation of elections. The first, followed in Namibia, is to provide a United Nations presence in each polling station at all times during the election. This could be called "total" observation of elections and is the most

expensive option for coverage. The second approach, followed in Nicaragua, is to be present at a sample of polling stations for shorter periods at different times. The results observed or verified in a sample of adequate design can then be extrapolated to the universe of polling stations. The case of Angola fell somewhere in between (two-thirds or 4,000 of 6,000 polling stations).

In the case of "total" observation of elections, the number of observers is unambiguously determined by the number of polling stations. As should be obvious, the method is extremely expensive, since it will usually involve a large number of observers. In a country such as South Africa, with a suggested 7,000-plus polling stations, this would entail a minimum of 7,000 monitors. Since, as will be suggested below, adequate sampling can produce about the same level of certainty in relation to the adequacy of the conduct of the polling, the option of total observation is essentially political, and its use can be attributed more to its symbolic attributes than to specific technical considerations.

Observations in sampling are based on mobile units, with two observers in each. The units will visit a variable number of polling stations throughout the polling day. The number of observations will depend on the number of mobile units and observers, the difficulties of travel between sites and the length of time spent by the observers at each polling station. Given the characteristic of some of the phenomena being observed, the size of the sample is not statistically significant. This is particularly the case with direct observations. Fraud will not take place during the short period when the observers are present, but before or after their arrival.

This fact highlights the third and most essential conclusion about "sample" observation, that is, the indispensable presence of trained electoral officers and party poll watchers in every polling station; without their presence, even large numbers of international observers will make little difference. With the presence of local poll watchers, a few international observers can make an impact well beyond their numbers. In the successful example of the Zimbabwean elections of 1980, the number of Commonwealth observers was only a fraction of the United Nations observers that monitored the Angolan elections. This means that political parties must train party election watchers in large numbers to work with the international monitors. The aim of every political party should be to have party election watchers at every polling station.

In the examples of the United Nations involvement I have quoted, namely, Namibia and Angola, we have both a success story and not so successful story. The outcome of these two operations can be explained to a large extent by the mandates and the

conditions under which they operated. In Namibia, the United Nations was requested to monitor the whole independence process of the country, including elections. The plan for these elections had been elaborated since 1978. The Special Representative of the Secretary-General had practically a veto power on every decision related to the independence process. In Angola, an already autonomous country, the United Nations had only been requested, after the verification of the cease-fire arrangements, to oversee the demobilization of the warring armies and observe and verify the elections.

In Namibia, it was possible to totally demobilize the South African and South West Africa Peoples Organization (SWAPO) troops prior to the elections. This had not been achieved in Angola, leaving open the possibility of the resumption of armed conflict. Finally, the means at the disposal of the United Nations for both missions were very unequal. If we compare the number of international staff, for example, it is obvious that at the time of the elections, Namibia, with a voting population of just over 700,000, had about 7,000 international monitors (military, police and civilians) while the number never exceeded 1,000 in Angola, with a voting population of 5.3 million.

Although the Namibian and Angolan operations, like every United Nations peacekeeping and election-monitoring operation, were unique, there are certainly experiences to share and lessons to learn. The lesson we learn therefore is that United Nations participation in political processes worldwide has been on the whole successful. The experiences in Namibia and Angola suggest that the United Nations can play an invaluable and constructive role in ensuring that elections are free and fair. They also suggest that no effort should be spared to ensure that the conditions for elections are right. To this end, based on our experience of the past eleven months, we have come to the conclusion that the single most important obstacle to the right of voters to freely participate in the election process in South Africa is political violence. The primary objective of government and all political parties in the period before the elections should be to take measures both decisively and urgently that can make a contribution to the reduction of violence so that free and fair elections can take place. There is a need to deal with matters that are contributing to the escalation of violence. There is a need to incorporate the homelands, as they are major flashpoints of violence since many of them do not permit free political activity. There is an urgent need for effective and impartial community policing to prevent violent outbreaks and their spread. There is a need for urgent legislation to prohibit the carrying of dangerous weapons in public and introduce stricter control on gun licensing. In the present volatile atmosphere the public display and carrying of dangerous weapons is provocative, raises tensions and, when violence breaks out, makes the conflict more dangerous for both the police and the

public and greatly increases the fatalities and injuries. There is a need for far greater political tolerance among parties and an end to deadly political rivalry.

What is required of all South Africans, particularly by organizations such as yours, is to assist in the removal of all the obstacles to a free and fair election. One way to do this is to support the peace structures that have been established under the National Peace Accord. These structures are made up of women and men whose commitment and courage in their work for peace give us much pride and are a source of admiration and play an important role in the promotion of peace in this country. They can do with much more support in material and human terms. Another way is to promote voter education and voter identification in your communities. Finally, be optimistic and positive.

There is also the need to ensure that the constitutional negotiations going on at this site are concluded as quickly as possible. This would enable South Africa to have its democratic elections on 27 April 1994. Any further delays can only be disastrous for the country. We must, however, remember that in the end it is the South African people, by coming in their millions to vote, that will make the election free and fair by their own courage and determination. Finally, all political parties should be aware that as they develop codes of conduct to govern political behaviour during the run up to the elections they are expected to act responsibly, keep their commitments and play by agreed-upon understandings. The international observer missions stand ready to assist the South African people in their search for political, social and economic stability and democracy.